IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WA.No. 597 of 2007()

AGAINST THE JUDGEMENT IN WPC.33771/2006 Dated 25/01/2007
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APPELLANTS/RESPONDENTS 2 TO 4:
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1. A.N.BHAT, S/O LATE NARAYANA BHAT,
VIII/524, T.D.SOUTH EAST STREET, KOCHI-682 002.

2. ANITHA A.BHAT, W/O A.N.BHAT,
C.C.NO.VIII/761, SOUTH CHERALAI, KOCHI-682 002.

3. N.N.BHAT, S/O NARAYANA BHAT,
VIII/524, T.D.SOUTH EAST STREET, KOCHI-682 002.

BY ADV. SRI.C.S.MANU, SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH, SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR

RESPONDENTS/APPELLANT & RESPONDENTS 1 & 5:
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1. ANUGRAHA CHARITABLE TRUST,
CHITTOOR ROAD, ERNAKULAM-18
REP. BY ITS SECRETARY, R.GOPINATHA NAIK.

2. THE RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, OFFICE OF THE RECOVERY
OFFICER, 8TH FLOOR, K.S.H.B BUILDING,
PANAMPILLY NAGAR.

3. INDIAN BANK, BRANCH OFFICE,
W.ISLAND, KOCHI-682 003.
REP. BY ITS MANAGER.

R1 BY ADV.MR.R.LAKSHMI NARAYAN
R3 BY ADV.MR.S.EASWARAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

W.A.No.597 of 2007

Dated, this the 12th day of March, 2007

JUDGMENT

Radhakrishnan, Ag.C.J.

We find no error in the impugned judgment of the learned Single Judge in giving a direction to enforce the order Ext.P3. Taking into consideration the fact that the proceedings initiated by the Debts Recovery Tribunal were confirmed by the Debts Recovery Appellate Tribunal and the Special Leave Petition filed against that order was dismissed by the apex Court as withdrawn and that the auction purchaser has approached this Court for enforcing the order Ext.P3, we are of the view that the learned Single Judge was perfectly right in giving such a direction. We are also of the view that it will be too late for the appellants to raise all their contentions before us when the Special Leave Petition was dismissed by the apex Court as withdrawn.

We find no reason to entertain this writ appeal and the same is dismissed in limine.

K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

M.N.KRISHNAN,
JUDGE.

vns